

REMARKS AND DISCUSSION

Upon entry of the present proposed Amendment, the claims in the application are claims 20, 27, 30-33 and 37- 40, 43, 45, and 47-57, of which claims 20, 49, 54 and 57 are independent, and of which claims 49-57 have been withdrawn from consideration by the Examiner as directed to a constructively non-elected invention.

In the above amendments, claim 20 is further amended to incorporate the features of claim 44 (now cancelled), while claims 27, 30, 33, 37 are amended to be consistent with amended claim 20 by changing "preliminarily" and "non-preliminarily" to --- partially --- and --- finally ---, while claims 41, 42, 44, 46 are cancelled in view of the amendment to claim 20.

Applicant respectfully submits that the proposed amendments are fully supported by the original disclosure, including Figure 1 of the drawings and the discussion thereof in the original specification. Applicant also respectfully submits that no new matter is introduced into the application by the above amendments.

Objection to the Specification

In item 4 of the above-identified Office Action, the Examiner objected to the specification, taking the position that the amendment filed 3/27/03 introduced new matter into the disclosure. Applicant traverses this assertion of the Examiner, and requests reconsideration and withdrawal thereof. Applicant submits that the Examiner's objection is now obviated in view of the above amendment to the specification.

35 USC 103(a) Issues

In item 6 of the Office Action, the Examiner rejected claims 20, 27, 30-33 and 37-48 under 35 USC 103(a) as unpatentable over Grogan in view of Omori et al, or vice-versa.

Upon careful consideration and in view of the above amendment to claim 20, applicant respectfully traverses such rejection and submits that each of the present claims is clearly patentably distinct over the references of record, based on the following.

Again, independent claim 20 has been amended to further specify that the claimed method includes a step of partially drying the strippable paint applied to the surface of the automobile body and also to include the step of drying the automobile body to uniformly dry the entire strippable paint applied to the exterior surface of the automobile body.

Such manufacturing method according to the invention is very advantageous. With the above method the strippable paint is efficiently applied to the exterior paint finished surfaces of the vehicle during vehicle assembly (on an assembly line), and will remain on the vehicle through the assembly process, as well as through the subsequent final inspection, storage and shipping of the manufactured vehicle, right up to the point where it is delivered to the ultimate customer, advantageously protecting the paint finished surfaces from damage due to dust, sunlight, metal particles, etc. throughout. In addition to Figs. 1 and 8, see page 8, lines 11-22, page 20, line 17 – page 22, line 4, and page 23, line 24 – page 26, line 12 of the original specification.

In relation to claim 20 and the dependent claims, the partially drying and finally drying steps are step-plus-function type limitations. As discussed at page 5, lines 11-20, page 5, line 25 – 10, page 13, lines 18-24, and page 14, line 19 – page 15, line 25, where the strippable paint is water soluble the partially (preliminary) drying step may be performed in preliminary drying booth/furnace 7 and may involve illuminating infrared radiation having a wavelength of 2-4 μm for 30-60 seconds, and the finally (non-preliminary) drying step performed in the non-preliminary drying furnace 8 may involve blowing hot air at a temperature of 60 – 90 °C such

that the entire object / automobile is uniformly dried. The specifics of these step-plus function clauses are variously presented in the dependent claims.

In relation to claims 31, 32, 40, 43, the stabilizing step is similarly a step-plus-function type limitation. As discussed at page 13, line 18 - page 14, line 18, where the strippable paint is water soluble the stabilizing step may be performed in setting booth 5 and may involve having the product (automobile) set in the setting booth for a relatively long time until the formed film stabilizes, the ambient in the setting booth 5 being 15 – 30 °C, and the humidity 50 – 80%. The specifics of this step-plus function clause are presented in dependent claim 40.

By drying the strippable paint in two steps, the strippable paint can be appropriately, reliably and smoothly applied to the exterior surface of the cleaned paint-finished automobile body. A film of strippable paint, thus applied, can remain present on the automobile body exterior surface over a long period of time, as experienced during storage, shipping or delivery of the finished automobile.

Applicant respectfully submits that neither Grogan nor Omori discloses or suggests such a dual stage drying process, and applicant respectfully traverses the Examiner's allegations at the first and second full paragraphs on page 10 of the Office Action because the allegations are not supported by the art of record or by applicant's disclosure. Again, given the step-plus-function nature of the limitations used in the present claim 20, the PTO is required to interpret these limitations to encompass the corresponding steps disclosed in applicant's specification and equivalents thereof. See MPEP 2181. Applicant respectfully submits that Grogan's disclosure, including that at his col. 5 cited by the Examiner, is clearly not the same as the partially and finally drying steps disclosed in the present specification or an equivalent thereof.

On the other hand, applicant respectfully submits that it is not, in fact, a "well known

expedient" to dry strippable paint coatings using infrared radiation in conjunction with hot air, and the Examiner has not presented any evidence supporting such allegation, such that it would not have been considered obvious to persons of ordinary skill in the art at the time of the invention to dry strippable paints, such as those of Grogan, using infrared radiation in conjunction with hot air as specifically claimed.

In this regard, applicant also notes that in related parent application USSN 08/398,881 the US PTO Board of Patent Appeals and Interferences overturned a rejection of the Examiner similar to the current rejection based on Grogan and Omori based on corresponding partial and final drying steps of a claim in the parent application.

Applicant respectfully suggests that the method of claim 20, as presently amended, distinguishes over the teachings of the cited references. Applicant respectfully requests reconsideration and withdrawal of the rejection of record, in light of the new amendment.

Double Patenting Issues

In item 8 of the above-identified Office Action, the Examiner provisionally rejected claims 20, 27, 30-33 and 37-48 as unpatentable over the pending claims of copending application 08/398,881. Applicant encloses herewith a terminal disclaimer specifying that any patent issuing from the present application will expire concurrently with any patent issuing from co-pending parent application 08/398,881.

In conjunction with such terminal disclaimer, applicant hereby authorizes the Commissioner to charge \$130.00 to Deposit Account No. 50-0744 in the name of Carrier, Blackman & Associates, P.C. in payment of the fee under 37 CFR 1.20(d). A duplicate copy of this authorization is enclosed.

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James B. Cain 6/2/06

Conclusion

Based on the foregoing, applicant respectfully submits that the rejections of the claims in this application are overcome, and it is respectfully requested that the rejections be reconsidered and withdrawn.

The application is now believed to be in condition for allowance and a Notice to such effect is earnestly solicited.

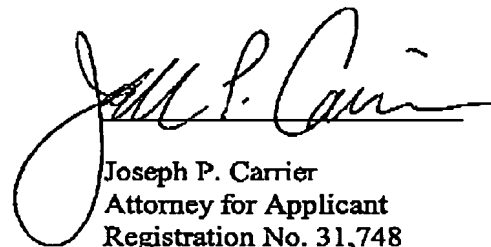
If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being SUBMITTED VIA FACSIMILE TRANSMISSION to the US Patent & Trademark Office on June 2, 2006.

